

NOTICE AND AGENDA

Apple Valley Utah
Planning Commission

Notice is given that a meeting of the Town of Apple Valley Planning Commission will be held on **Wednesday, June 10th 2020** commencing at 6:00 PM, or shortly thereafter. Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, please be advised that the meeting will be held electronically and will be broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting <https://us02web.zoom.us/j/86723348394>

To call into meeting, dial (253) 215-8782 and use Meeting ID 867 2334 8394

The Agenda for the meeting is as follows:

Call to Order/ Pledge of Allegiance/ Roll Call

Declaration of Conflicts of Interest

CONSENT AGENDA

The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commission Member wishes to remove an item from the Consent Portion of the agenda, that item becomes the first order of business on the Regular Agenda.

- A. Approval of minutes for March 25, 2020
- B. Approval of minutes for April 8, 2020
- C. Approval of minutes for April 22, 2020

DISCUSSION AND ACTION

1. Introduction and public hearing for zone change of parcel AV-1364-A from OST/OSC Open Space to AG-5 Agricultural 5 acre. Applicant Nuance Management LLC.
2. Discussion and possible action on zone change of parcel AV-1364-A from OST/OSC to AG
3. Introduction and public hearing for zone change of parcel AV-1377-F-1 from PD Planned Development to RE-1 Rural Estates 1 acre. Applicant Morrell Utah Holdings.
4. Discussion and possible action on zone change of Parcel AV-1377-F-1 from PD to RE-1
5. Public Hearing for amendments to 10.10.110 Cabins or Tiny Home Parks Zone
6. Discussion and possible action on changes to 10.10.110 Cabins or Tiny Home Parks Zone
7. Public Hearing for amendments to 10.14 Short Term Vacation Rental
8. Discussion and possible action on changes to 10.14 Short Term Vacation Rental
9. Discussion and possible action on zone change application for AV-1338-H-3 from OST/OSC to CTP Cabin or Tiny Home Parks. Applicant Robert and Maria Campbell. PC recommended 5/0 on 5/27/2020. TC referred back to PC to review with consideration to General Plan.
10. Discussion on proposed Camping Resort Zone. Public hearing scheduled for 6/24/2020.

ADJOURNMENT

CERTIFICATE OF POSTING: I, Ben Billingsley, as duly appointed Deputy Clerk for the Town of Apple Valley, hereby certify that this notice was posted on the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov on the **8th day of June, 2020**.

Dated this 8th day of June, 2020

Ben Billingsley

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS and MEETINGS

In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should call 435-877-1190.

ROLL CALL/PRESENT

Chairperson Prentice
Commissioner Jorgensen
Commissioner Zaharias
Commissioner Fralish
Commissioner Angell

Deputy Clerk Ben Billingsley

Due to technical difficulties, two meeting numbers were distributed on Zoom, and participants were included in both meetings. Meetings were not able to be merged and legal counsel advised that the meeting be canceled without further discussion.

Date approved: _____

Chairperson

ATTEST BY: _____
Ben Billingsley, Deputy Clerk

OPENING

Chairperson Prentice brought the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

ROLL CALL/PRESENT

Chairperson Prentice
Commissioner Jorgensen
Commissioner Zaharias
Commissioner Fralish
Commissioner Angell

Deputy Clerk Ben Billingsley

Declaration of Conflicts of Interest

DISCUSSION AND ACTION

1. Introduction and **Public Hearing** on amendments to 10.10.050 RE Rural Estates Zone

Ben introduced and summarized the language in the proposed changes to this code.

Co-chairperson Angell addresses the matter of a few residents of the Gooseberry subdivision who would like more restrictions. Co-chairperson Angell feels that this is best handled at the HOA level for their area and should be policed by their committees.

Rich Ososki indicates that the CC&Rs are not enforceable at this time.

Shawn Guzman (made a comment about CC&Rs) generally; anyone who is subject to CCR's has a private right of action exist for those who are a part of this area.

Chairperson Prentice opens for Public Comment.

Pam Quayle feels that 4 large animals per acre is excessive. She feels that the town just doesn't want to enforce the current ordinance and so they are changing it to allow for more animals. She shares her bad experience with a neighbor. How can the town regulate and measure if enclosures are being cleaned regularly?

Diane- the issue is not the number of animals but how they are cared for.

Margie Ososki- the majority of people would like a limit on animals.

Co-Chairperson Angell mentions that 64% of responses to the survey wanted 4 or more large animals.

Justin Cannon- We moved here many years ago for country living with animals. He likes the changes.

Rich Ososki- He doesn't mind writing up anyone who is in violation. He brings up how slow it is to follow through on nuisance violations. Once we have something identified they have 30 days to correct the issue. During this time the nuisance continues. His concern is over the time frame.

Co-Chair Angell mentions this is an enforcement problem in the town, not a code problem.

Ben reads Christy Jorgensen's comment through the Zoom chat window. She states they moved here 17 years ago with a dream to live in an agriculture environment and raise a family. We need to preserve this way of life for future generations. She does believe in respecting neighbor's property right but not in a way that removes rights from others.

Commissioner Zaharias mentions the possibility of an enforcement review committee who reviews these complaints. These issue need to be resolved. Perhaps one week to clean the stall or correct the issue instead of 30 days.

Shawn Guzman suggests that a committee is not the ideal approach. Most of the time we just need witnesses and pictures to demonstrate evidence of the complaint. This would mean a police officer inside the complainant's home smelling the issue or in the yard. The number or complaints to trigger something can be identified as well. In St. George it is 3 complaints. He recommends a time frame be established on the letter sent, such as seven days to clean up the mess or contact us if you have extenuating circumstances.

Rich Kopp commented that he doesn't feel like it is the Town's job to provide a location to dispose of animal waste.

Chairperson Prentice mentions that waste disposal here would allow for residents to use the waste for greenhouses and gardens. She prefers that to having it hauled away.

Shawn Guzman mentions you don't need to add disposal practices to the ordinance. That can be done by town policy or practice.

Rich Ososki mentions that they may want to consider adding square footage requirements for horses.

Chairperson Prentice closes Public Comments

2. Discussion and possible recommendation on 10.10.050 RE Rural Estates Zone

MOTION: Commissioner Angell moves to recommend the language, as presented, to the Town Council excluding item K and the original language proposed regarding pest, noise and smell nuisances

SECOND: Commissioner Zaharias

VOTE: Chairperson called for a vote:

Commissioner Prentice	Aye
Commissioner Jorgensen	Aye
Commissioner Zaharias	Aye
Commissioner Fralish	Aye
Commissioner Angell	Aye

3. Introduction and **Public Hearing** on amendments to 10.10.100 Recreational Vehicle Park Zone.

Chairperson Prentice opens the Public Hearing

Susan Gordon- Lives in Cedar Point. She is opposed to an RV park in her back yard. She feels this will impact the safety of her family and the value of her home. She does not believe the tiny home community near them has not been responsibly developed.

Russ Volk- RV Parks are incompatible with residential subdivisions. They increase traffic on the streets of neighborhoods. As these parks become more dilapidated decreasing the property value of homes in the area. He recommends a town wide survey be conducted. The town should never consider anything less than a 10 acre parcel for the establishment of an RV park. Fire exits should be considered in the design on a park. He recommends a 2,000 foot buffer zone be required between an RV park and any residential subdivision. He recommends stringent septic guidelines for disposing of waste from RV's such as commercial septic that is pumped out regularly.

Kate- She asks the question if the Planning Commission is happy with the tiny homes park in Cedar Point. Do you feel like that park is an asset to the subdivision?

Margie Ososki, why are they considering making it 8 acres instead of 10?

Rich Kopp- Keep the parcels larger so we have fewer small parks spread throughout town.

Tish Lisonbee- She suggests we not have park models in an RV resort. Curb and gutter in an RV park may not be necessary. She goes through a list of other items.

Jay Kleinfeldt supports what Russ said about having 2 entrances for safety and that we should have a specified distance the park should be from a residential area.

Chairman Prentice closes Public Comment

4. Discussion and possible recommendation on 10.10.100 Recreational Vehicle Park Zone

Commissioner Prentice states that RV parks should be ¼ mile from residential areas, have large lane for check-in.

Commissioner Angell states that he would rather see a few larger more professionally ran RV parks are better suited to the Town than smaller parks. He would also like to designate parking zone. He suggests 1,000 linear feet from residential areas.

Commissioner Zaharias says he would like to see parking for about 25% of the park’s capacity for check-in.

Commissioner Jorgensen would like to stay with the larger size parks over 10 acres. The buffer zone does need to be considered.

Shawn Guzman asks if they are looking at the radius from an RV parking spot/structure or the radius from the property line.

Commissioner Angell asks how to define a residential area. Is it just one home or a subdivision?

Shawn Guzman says it’s any residential zone.

Marty Lisonbee asks about the 1,000 foot buffer, perhaps just landscaping.

Chairperson Prentice closes Public Comments

MOTION: Commissioner Angell moves to table the recommendation on 10.10.100 for a future meeting.

SECOND: Commissioner Zaharias

VOTE: Chairperson called for a vote:

Commissioner Prentice	Aye
Commissioner Jorgensen	Aye
Commissioner Zaharias	Aye
Commissioner Fralish	Aye
Commissioner Angell	Aye

5. Introduction and **Public Hearing** on amendments to the Apple Valley General Plan Map

Chairperson Prentice opens the Public Hearing

Rich Kopp comments that he supports larger parcels in the area and wants it to stay lower density.

Commissioner Fralish would also like to see this stay 5 acre lots and above.

Debbie Kopp mentions sections 1, 2, 3, and 4 will be the low density areas.

Mayor Lisonbee would like to clarify that the general map should only indicate the density but not zoning.

Commissioner Prentice Closes Public Comments

6. Discussion and possible recommendation on amendments to the Apple Valley General Plan Map

Co-Chairperson Angell doesn't understand what the density should be as he thinks low density would be 10 or more acres.

Ben suggests that we add the definitions to the general plan.

The mayor suggests that we would need a public hearing to change the general plan as an ordinance would be needed to make that change.

Shawn Guzman advises that they do not take action until they have those definitions in the ordinance to make a recommendation to the Town Council. You need to have a public hearing on these items.

Debbie Kopp mentions that they made the definitions in the past.

Ben mentions that they were never added to the general plan.

MOTION: Commissioner Zaharias moves to table item 6 for the general plan map amendments the next meeting

SECOND: Commissioner Angell

VOTE: Chairperson called for a vote:

Commissioner Prentice Aye

Commissioner Jorgensen Aye

Commissioner Zaharias Aye

Commissioner Fralish Aye

Commissioner Angell Aye

7. Discussion and possible recommendation on 10.28.235 Accessory Buildings and Accessory Uses General Requirements and addition of 10.28.235 Shipping Containers (Public Hearing 9/25/19)

Commissioner Angell suggests more clearly written language for colors and spacing between buildings and containers. Strike item 3 altogether. The Commission has discussion about reworking a few items and bringing back in a few weeks for approval.

MOTION: Commissioner Angell moves to table this item until the next meeting
SECOND: Commissioner Prentice
VOTE: Chairperson called for a vote:
Commissioner Prentice Aye
Commissioner Jorgensen Aye
Commissioner Zaharias Aye
Commissioner Fralish Aye
Commissioner Angell Aye

8. Approval of minutes for March 11, 2020.

MOTION: Commissioner Zaharias moves to approve the minutes from March 11, 2020
SECOND: Commissioner Angell
VOTE: Chairperson called for a vote:
Commissioner Prentice Aye
Commissioner Jorgensen Aye
Commissioner Zaharias Aye
Commissioner Fralish Aye
Commissioner Angell Aye

ADJOURNMENT

MOTION: Commissioner Zaharias moves to close the meeting
SECOND: Commissioner Angell
VOTE: Chairperson called for a vote:
Commissioner Prentice Aye
Commissioner Jorgensen Aye
Commissioner Zaharias Aye
Commissioner Fralish Aye
Commissioner Angell Aye

The vote was unanimous and the motion carried

Meeting adjourned at 8:24 pm.

Date approved: _____

Chairperson

ATTEST BY: _____
Ben Billingsley, Deputy Clerk

OPENING

Chairperson Prentice brought the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

ROLL CALL/PRESENT

Chairperson Prentice
Commissioner Angell
Commissioner Jorgensen
Commissioner Zaharias
Commissioner Fralish

Deputy Clerk Ben Billingsley

NO CONFLICT OF INTEREST DECLARATIONS

1. Introduction and **Public Hearing** on amendments to 10.10.050 RE Rural Estates Zone

CHAIRPERSON PRENTICE OPENS THE PUBLIC HEARING.

Pam Quayle- 5 acre lots are restricted to 10 horses. She feels this is good. She would like to know the reasoning behind allowing 20 horses on 5 one acre lots.

Allen Angell mentions the majority of people on the survey want Apple Valley to be a horse community.

Margie Ososki- She comments on the possible fines and enforcement of these rules. She refers to the survey and makes several points regarding cleanliness, shelter and number of animals. She would like to see the number system for large animals explained more clearly.

Rich Ososki- Mentions the difficulties that arise when you contact a neighbor about issues. This is why he would like the town more involved on these issues and nuisance complaints. He mentions he would like a place available for people to put animal refuse.

Allen Angell suggests the town create town policies with staff that will give guidance to the code enforcer on how to handle complaints and other issues that arise. This information is not appropriate for the actual ordinance.

Gary Doelle mentions that this area since he moved here is mostly a horse and kids area. He suggests that people work together. He doesn't see why everyone is fighting.

Mayor Lisonbee mentions in the ZOOM chat that people know this ordinance is coming and people are building shelters.

Debbie Kopp in the ZOOM chat suggests that there be more discussion about where a compost pile should be placed and how it should be controlled and used.

Mayor Lisonbee replies that there is plenty of room for this.

CHAIRPERSON PRENTICE CLOSSES PUBLIC COMMENTS

2. Discussion and possible recommendation on 10.10.050 RE Rural Estates Zone.

Chairperson Prentice would like to add that people have one week to comply once they have been served notice.

Allen Angell suggests this may not be a good idea if someone is out of town or has a lot of refuse to remove. Perhaps give more time than one week.

MOTION: Commissioner Zaharias moves to accept amendment 10.10.050 amended as discussed.

SECOND: Commissioner Fralish

VOTE: Chairperson called for a vote:

Chairperson Prentice	Aye
Commissioner Jorgensen	Aye
Commissioner Zaharias	Aye
Commissioner Fralish	Aye
Commissioner Angell	Aye

3. Introduction and **Public Hearing** on amendments to 10.10.100 RE Recreational Vehicle Park Zone

CHAIRPERSON PRENTICE OPENS PUBLIC COMMENT

Russ Volk- The community of Cedar Point is sensitive to this because of the tiny home project that is currently operating within Cedar Point. They are operating as a tiny home project but are in fact on wheels, not on a permanent foundation and should be considered trailers. He believes this is an illegal business operating within the town. He suggests that things be spelled out in the ordinance and not everything through development agreement. He would like these to be minimum standards that must be met even if they have a development agreement.

Margie Ososki asks if we are going to do a survey on this subject.

CHAIRPERSON PRENTICE CLOSSES PUBLIC COMMENTS

Chairperson Prentice would like to have acreage changed to 15 Acre minimum. She would also like to have 1,500 foot separation between park and other lots. She would like to have some requirements for septic included as well.

Mayor Lisonbee Southwest health manages the septic and sewer systems. The criteria may change. Commercial systems actually go through the state.

Commissioner Zaharias mentions the changes he mad were the 12-15 acre size; Added 1,000-1,500 feet from any residential neighborhood; Total number units are 140; Removed block wall fencing requirement; Landscaping for low water consumption; Remove perimeter fence requirement; Remove curb and gutter requirement.

Mayor Lisonbee suggests that drainage will be addressed whether or not curb and gutter is required. Some standard for roads, parking, and check-in areas based on the number of units may be helpful.

Discussion and possible recommendation on 10.10.100 RE Recreational Vehicle Park Zone

MOTION: Commissioner Fralish moves to table item 10.10.100 to the next meeting
SECOND: Commissioner Zaharias
VOTE: Chairperson called for a vote:
Chairperson Prentice Aye
Commissioner Jorgensen Aye
Commissioner Zaharias Aye
Commissioner Fralish Aye
Commissioner Angell Aye

4. Discussion and possible recommendation on 10.28.235 Accessory Buildings and Accessory Uses General Requirements and addition of 10.28.235 Shipping Containers (Public Hearing 9/25/19)

Commissioner Angell suggests that we add the colors that are acceptable to the ordinance. He mentions the colors he thinks would be appropriate. He would also like to have linear feet doubled on a 20 acre parcel.

MOTION: Commissioner Zaharias moves to pass amendment 10.28.235 the next meeting with the few changes that have been discussed tonight.
SECOND: Commissioner Angell
VOTE: Chairperson called for a vote:
Chairperson Prentice Aye
Commissioner Jorgensen Aye
Commissioner Zaharias Aye
Commissioner Fralish Aye
Commissioner Angell Aye

5. Discussion on amendments to the Apple Valley General Plan and General Plan Map

Ben Billingsley suggests that we need to adopt into the general plan definitions for the densities in the general plan.

The commission discusses the reason for and against changing the Bubbling wells area tonight. The obstacle is to define low, medium, and high density within the general plan so we can then identify the density of areas on the map.

Commissioner Angell suggests between now and the time of the next public hearing on this subject we have the definitions locked down. Public hearing scheduled for 3 weeks.

6. Discussion on proposed zoning – Tourist Commercial
Tabled

ADJOURNMENT

MOTION: Commissioner Fralish moves to adjourn
SECOND: Commissioner Angell
VOTE: Chairperson called for a vote:
Chairperson Prentice Aye
Commissioner Jorgensen Aye
Commissioner Zaharias Aye
Commissioner Fralish Aye

The vote was unanimous and the motion carried

Meeting adjourned at 7:30 pm.

Date approved: _____

Chairperson

ATTEST BY: _____
Ben Billingsley, Deputy Clerk



Town of Apple Valley
 1777 N Meadowlark Dr
 Apple Valley UT 84737
 T: 435.877.1190 | F: 435.877.1192
 www.applevalleyut.gov

Fee: \$500.00 + Acreage Fee	
1 – 100 Acres:	\$50.00/Acre
101 – 500 Acres:	\$25.00/Acre
501 + Acres:	\$10/Acre

Zone Change Application

Applications Must Be Submitted A Minimum of 21 Days In Advance of The Planning Commission Meeting

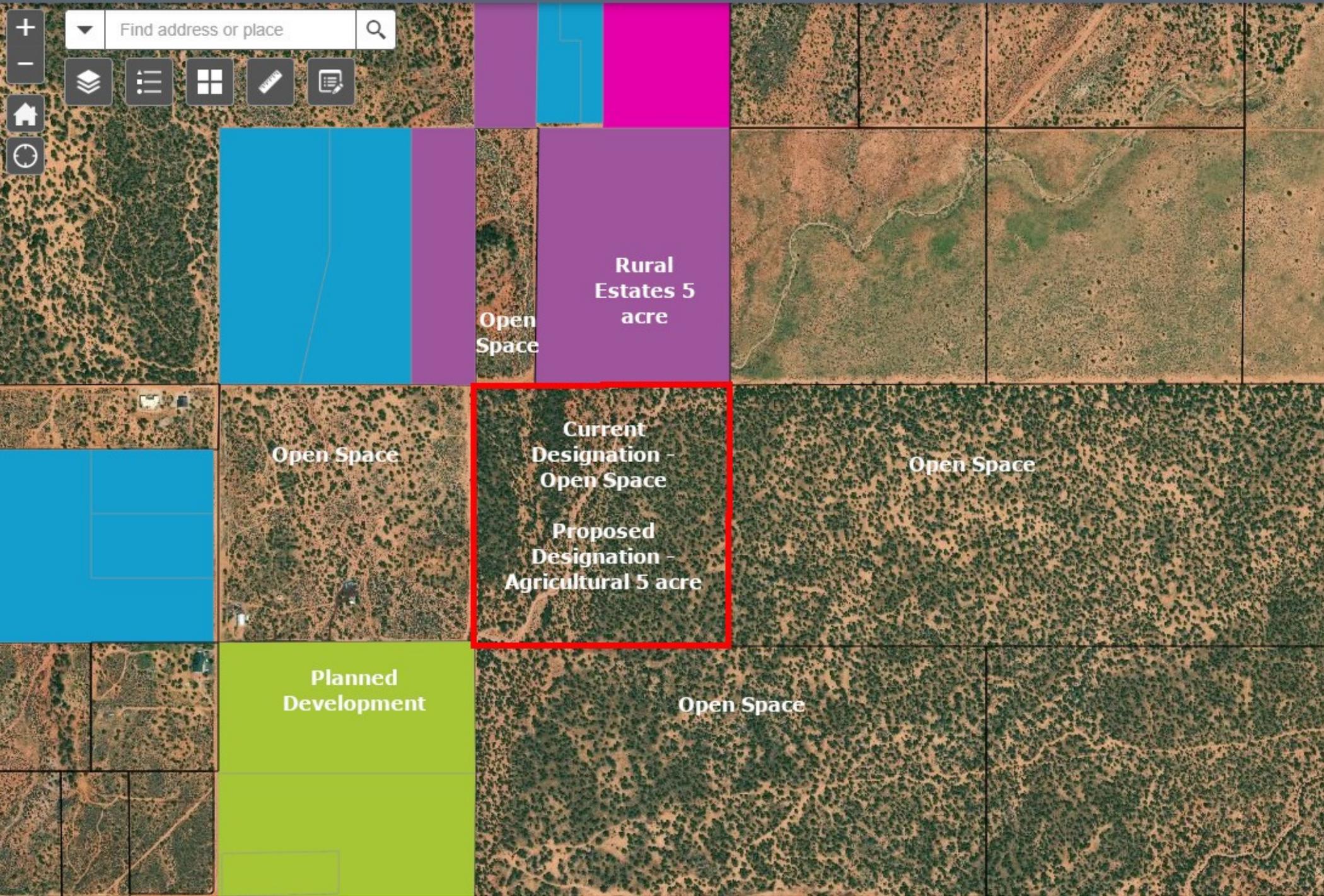
Name: NUANCE MANAGEMENT, LLC		Phone: 435 - 467 - 2717	
Address: PO BOX 840701		Email: ANTHUS@SPEEDMAIL.US	
City: HILDALE	State: UT	Zip: 84784	
Agent: (If Applicable)		Phone:	
Address/Location of Property: AV-1364-A HWY 59		Parcel ID: AV-1364-A	
Existing Zone: OPEN SPACE		Proposed Zone: A-5	
Reason for the request: Land use shows the parcel as agriculture, zone map shows open space. This will make zoning same as land use.			

Submittal Requirements: The zone change application shall provide the following:

- A. The name and address of every person or company the applicant represents
- B. An accurate property map showing the existing and proposed zoning classifications
- C. All abutting properties showing present zoning classifications
- D. An accurate legal description of the property to be rezoned
- E. Stamped envelopes with the names and address's of all property owners within 500' of the boundaries of the property proposed for rezoning. Including owners along the arterial roads that may be impacted
- F. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence the applicant has control of the property

Note: To avoid delays in processing your Zone Change request, it is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for the Planning Commission. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 pm. **Submission of a completed application does not guarantee your application will be placed on the next PC meeting agenda. It may be placed on the next available PC meeting agenda.**

Official Use Only	
Date Received: 5/26/20	By: Bur B
Date Application Deemed Complete: 5/27/20	By: Bur B



Account 1033118

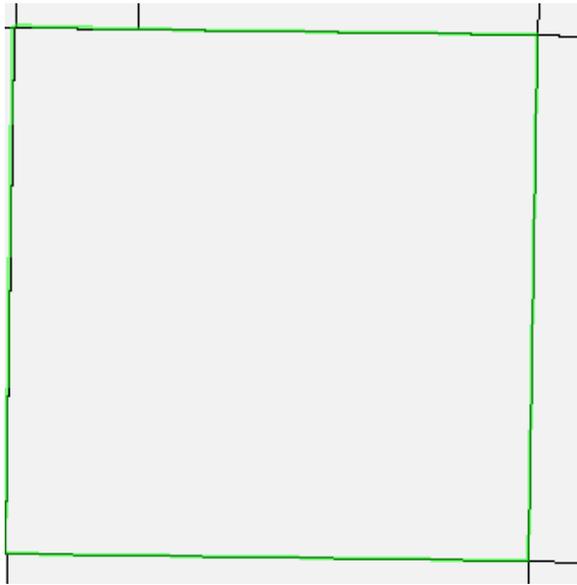
<u>Location</u>	<u>Owner</u>	<u>Value</u>
Account Number 1033118	Name NUANCE MGMT LLC	Market (2019) \$0
Parcel Number AV-1364-A	1125 W FIELD AVE	No taxable value types
Tax District 45 - Apple Valley Town	PO BOX 701	
Acres 40.00	HILDALE, UT 84784	
Situs 0, 0		
Legal S: 14 T: 43S R: 11W NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 43 SOUTH, RANGE 11 WEST SALT LAKE BASE & MERIDIAN.		
Parent Accounts 0155427		
Parent Parcels AV-1364		
Child Accounts		
Child Parcels		
Sibling Accounts		
Sibling Parcels		

<u>Transfers</u>		
Entry Number	Recording Date	
00457718	02/10/1994 12:29:00 PM	B: 794 P: 168
00467764	05/19/1994 03:00:00 PM	B: 821 P: 592
20110031703	10/18/2011 02:16:28 PM	
20110031704	10/18/2011 02:16:28 PM	
20160044334	11/21/2016 02:07:54 PM	
20190000956	01/09/2019 11:15:43 AM	
20190010295	03/21/2019 12:59:24 PM	
20190042123	10/11/2019 11:49:50 AM	

"Tax" **Images**

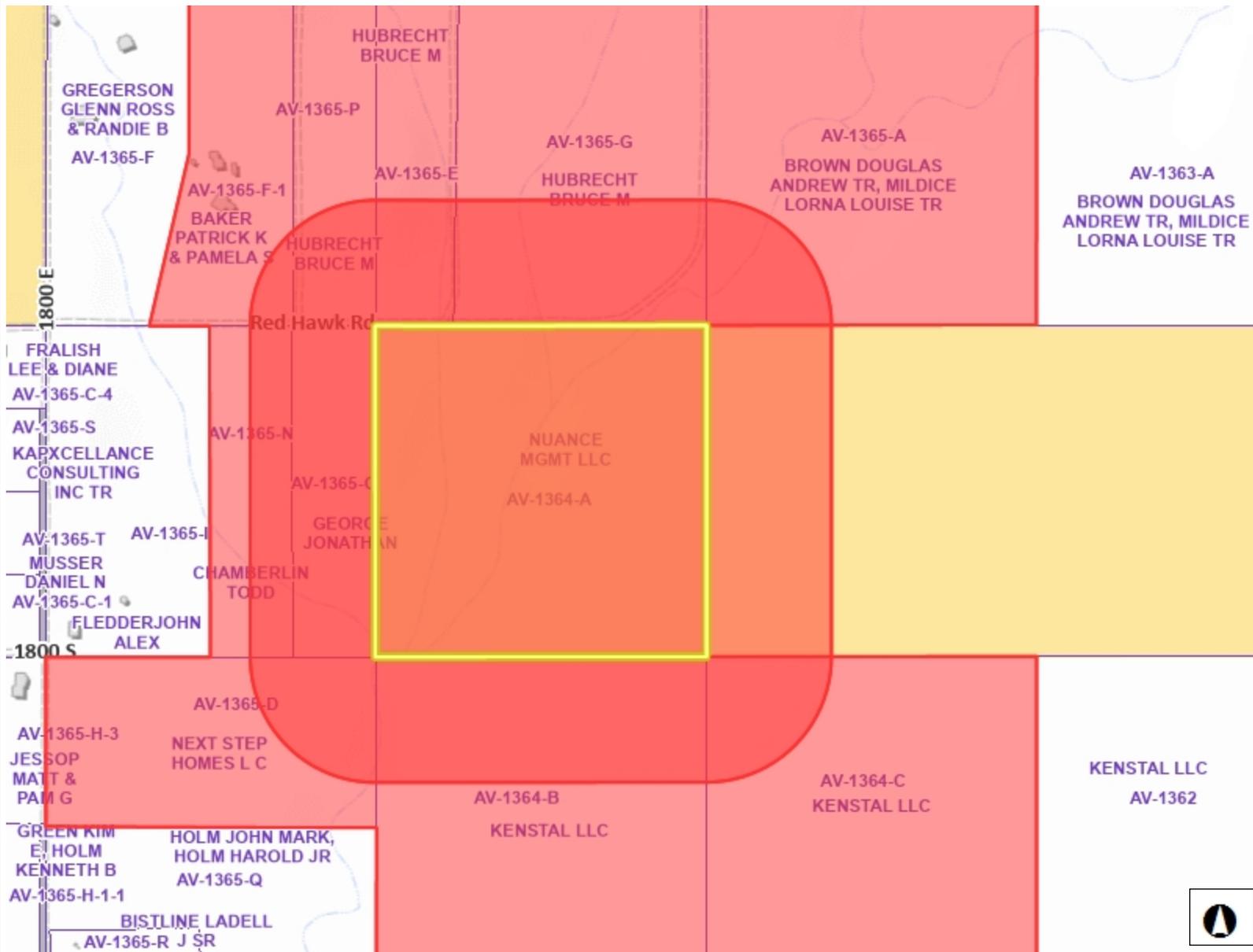
Tax Year	Taxes
2019	\$0.00
2018	No Tax Values

- [GIS](#)





Nuance 500' Radius

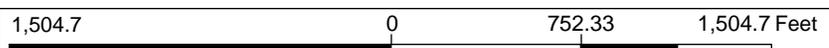


Legend

- Parcels
- Ownership
 - U.S. Forest Service
 - U.S. Forest Service Wilderness
 - Bureau of Land Management
 - Bureau of Land Management Wilde
 - National Park Service
 - Shivwits Reservation
 - Utah Division of Wildlife Resources
 - Utah Division of Transportation
 - State Park
 - State of Utah
 - Washington County
 - Municipally Owned
 - School District
 - Privately Owned
 - Water
 - Water Conservancy District
 - State Assessed Oil and Gas
 - Mining Claim



Notes



WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.

HUBRECHT BRUCE M
AV-1365-P
2463 E APACHE WAY
APPLE VALLEY, UT 84737

HUBRECHT BRUCE M
AV-1365-E
2463 E APACHE WAY
APPLE VALLEY, UT 84737

NUANCE MGMT LLC
AV-1364-A
1125 W FIELD AVE PO BOX 701
HILDALE, UT 84784

KENSTAL LLC
AV-1364-B
2221 E WELDON AVE
PHOENIX, AZ 85016

CHAMBERLIN TODD
AV-1365-N
1775 S 1800 E
HURRICANE, UT 84737

BAKER PATRICK K & PAMELA S
AV-1365-F-1
1925 E RED HAWK RD
APPLE VALLEY, UT 84737

GEORGE JONATHAN
AV-1365-O
PO BOX 824
SPRINGDALE, UT 84767

HUBRECHT BRUCE M
AV-1365-G
2463 E APACHE WAY
APPLE VALLEY, UT 84737

NEXT STEP HOMES L C
AV-1365-D
P O BOX 175
MORGAN HILLS, CA 95038-0175

KENSTAL LLC
AV-1364-C
2221 E WELDON AVE
PHOENIX, AZ 85016

BROWN DOUGLAS ANDREW TR, ET AL
AV-1365-A
8271 RUN OF THE KNOLLS
SAN DIEGO, CA 92127

AFFIDAVIT
PROPERTY OWNER

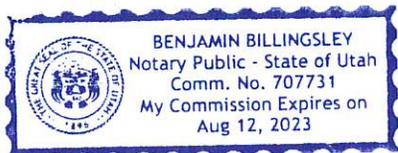
STATE OF UTAH)
)§
COUNTY OF WASHINGTON)

I (We) Anthony A. Barlow, being duly sworn, depose and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

[Signature]
Property Owner

Property Owner

Subscribed and sworn to me this 26th day of May, 2020.



[Signature]
Notary Public

Residing in: Washington

My Commission Expires: 8/12/23

AGENT AUTHORIZATION

I (We), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Property Owner

Property Owner

Subscribed and sworn to me this _____ day of _____, 20____.

Notary Public

Residing in: _____

My Commission Expires: _____

RECEIVED MAY 11 2020



Town of Apple Valley
1777 N Meadowlark Dr
Apple Valley UT 84737
T: 435.877.1190 | F: 435.877.1192
www.applevalleyut.gov

Fee: \$500.00 + Acreage Fee
1 - 100 Acres: \$50.00/Acre
101 - 500 Acres: \$25.00/Acre
501 + Acres: \$10/Acre

Zone Change Application

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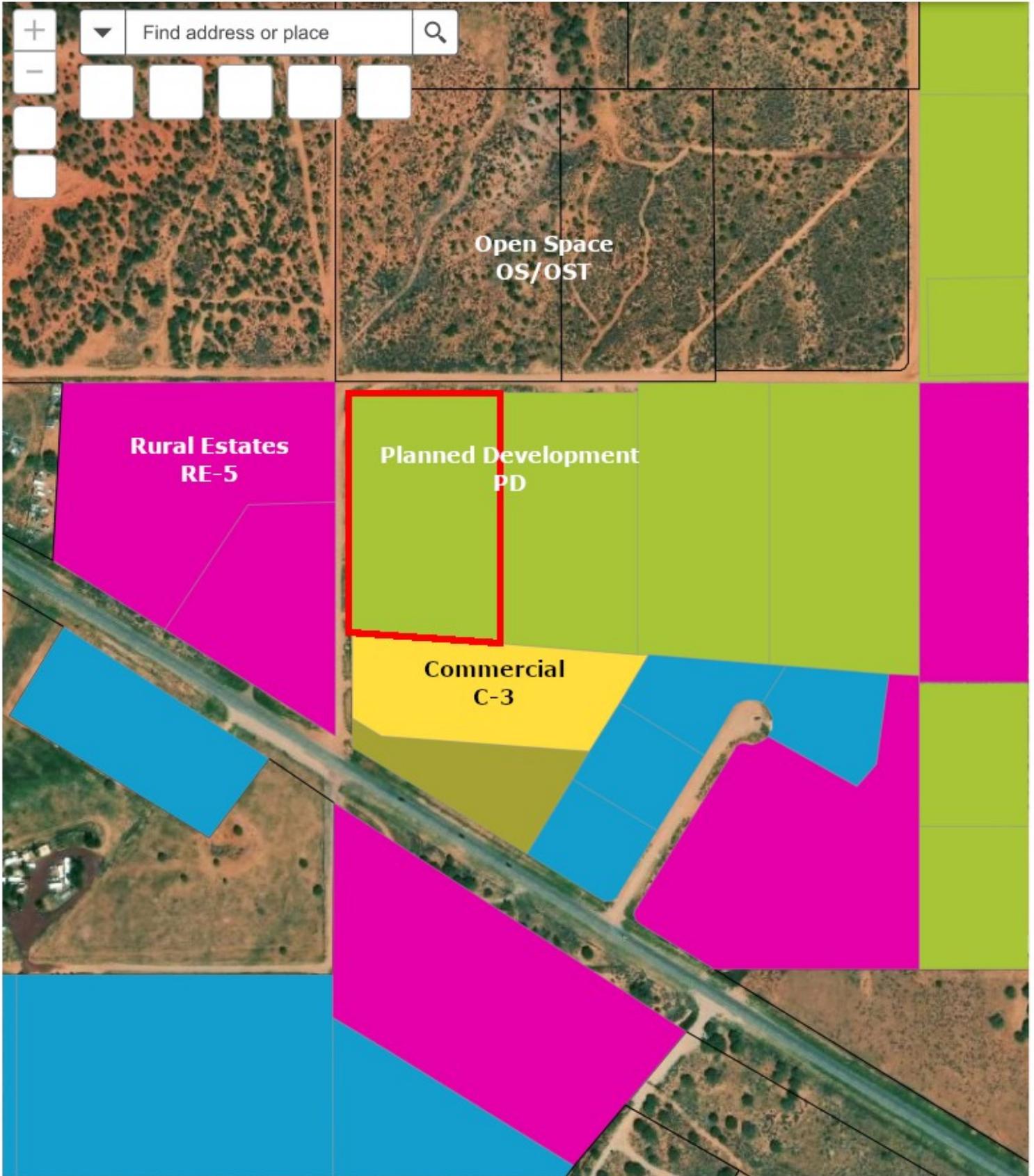
Name: Morrell Utah Holdings		Phone:	
Address: 2368 E. Cottonwood Lane		Email:	
City: Holladay	State: Utah	Zip: 84117	
Agent: (If Applicable) Adam Morrell		Phone: 801-928-6792	
Address/Location of Property: 2012 S. Bubbling Well Lane		Parcel ID: AV-1377-F-1	
Existing Zone: plan Development		Proposed Zone: RE-1	
Reason for the request change zones from p-d. to Rural Estates RE-1			

Submittal Requirements: The zone change application shall provide the following:

- A. The name and address of every person or company the applicant represents
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Official Use Only	
Date Received: 5/11/20	By: Ben Billingsley
Date Application Deemed Complete: 5/18/20	By: Ben Billingsley



300ft

-113.068 37.039 Degrees

Account 0381700

Location

Account Number 0381700
Parcel Number AV-1377-F-1
Tax District 45 - Apple Valley Town
Acres 4.39
Situs 0, 0

Owner

Name MORRELL UTAH HOLDINGS LLC
 2366 COTTONWOOD LN
 SALT LAKE CITY, UT 84117

Value

Market (2019) \$51,000
Taxable \$51,000
Tax Area: 45 **Tax Rate:**
 0.009803

Type	Actual	Assessed	Acres
Non			
Primary	\$51,000	\$51,000	4.390
Land			

Legal S: 23 T: 43S R: 11W COMMENCING AT THE NORTHWEST CORNER OF SECTION 23, TOWNSHIP 43 SOUTH, RANGE 11 WEST, OF THE SALT LAKE BASE AND MERIDIAN; THENCE S89°59'42"E, ALONG THE SECTION LINE, 373.16 FEET THENCE S00°01'24"E, 25.00 FEET TO THE POINT OF BEGINNING. SAID POINT BEING LOCATED ON THE SOUTH LINE OF 2000 SOUTH STREET; THENCE DEPARTING SAID STREET LINE AND CONTINUING S00°01'24"E, 562.53 FEET; THENCE N85°34'33"W, 349.32 FEET TO A POINT LOCATED ON THE EAST LINE OF 1600 EAST STREET (SOUTH BUBBLING WELL LANE); THENCE N00°00'43"W, ALONG SAID LINE, 510.60 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, AND A CENTRAL ANGLE OF 90°01'01"; THENCE NORTHEASTERLY ALONG SAID CURVE, 39.28 FEET TO A POINT LOCATED ON THE SOUTH LINE OF SAID 2000 SOUTH STREET; THENCE S89°59'42"E, ALONG SAID LINE, 323.15 FEET TO THE POINT OF BEGINNING.
 SUBJ & TOG W/ EASEMENT

Parent Accounts 0345291
 0484777

Parent Parcels 1377-B
 1377-H

Child Accounts 0392152
 0484777
 0959952
 0959969

0983502

Child Parcels 1377-G
 1377-H
 AV-1-3-23-440
 AV-1-3-23-441
 ROADWAY
 AV-1-3-23-442

Sibling Accounts

Sibling Parcels

Transfers

Entry Number

[00312044](#)
[00327992](#)
[00641316](#)
[00725581](#)
[00835037](#)
[20080018039](#)

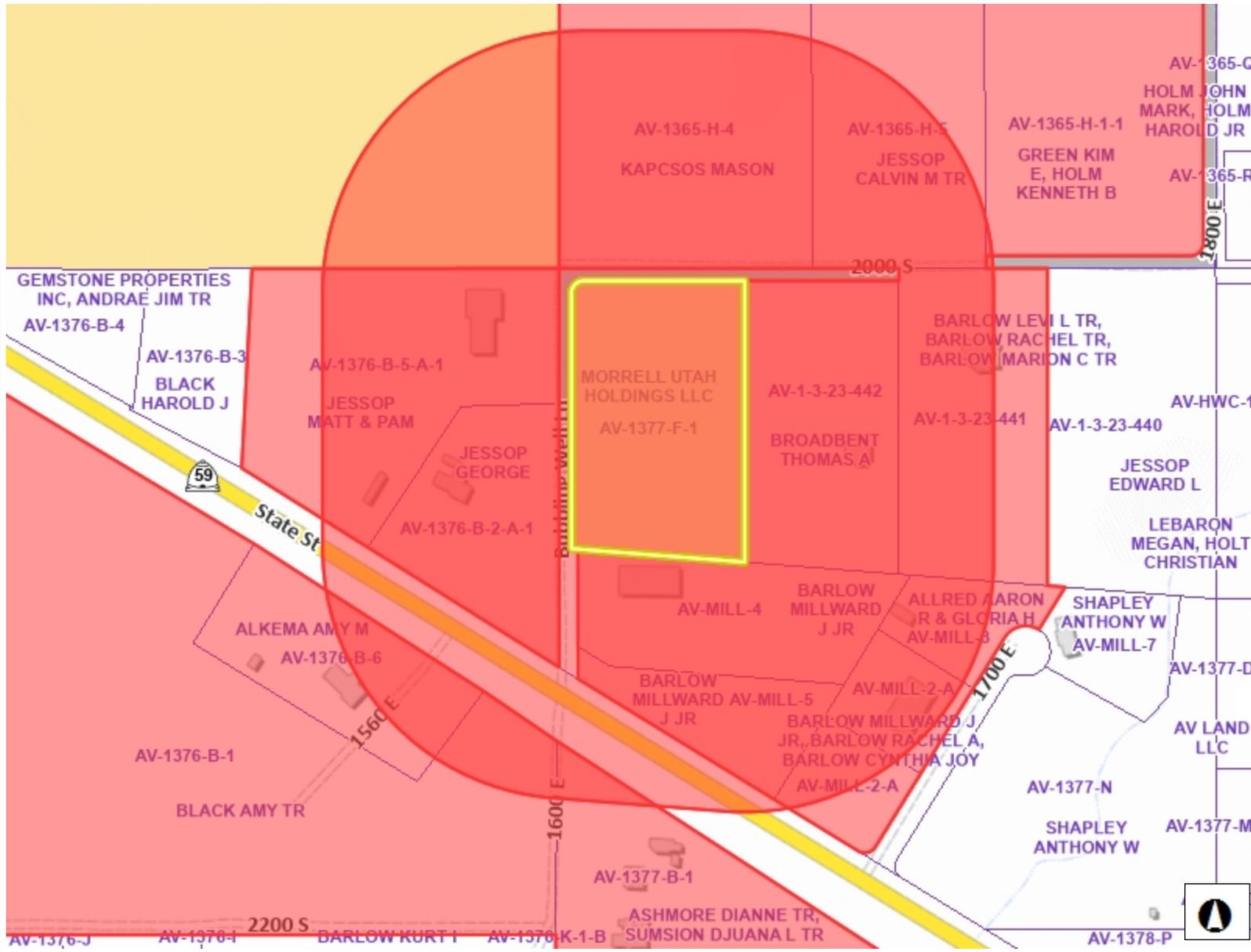
Recording Date

[03/24/1987 02:32:00 AM](#)
[02/22/1988 12:32:00 PM](#)
[03/26/1999 10:20:00 AM](#)
[06/20/2001 02:50:00 PM](#)
[08/13/2003 03:53:00 PM](#)
[05/02/2008 10:46:58 AM](#)

[B: 445 P: 937](#)
[B: 477 P: 820](#)
[B: 1328 P: 749](#)
[B: 1414 P: 842](#)
[B: 1572 P: 2525](#)



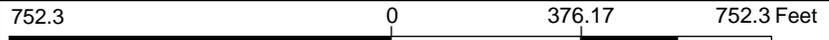
Morrell 500' Radius



Legend

- Parcels
- Ownership
 - U.S. Forest Service
 - U.S. Forest Service Wilderness
 - Bureau of Land Management
 - Bureau of Land Management Wild
 - National Park Service
 - Shivwits Reservation
 - Utah Division of Wildlife Resources
 - Utah Division of Transportation
 - State Park
 - State of Utah
 - Washington County
 - Municipally Owned
 - School District
 - Privately Owned
 - Water
 - Water Conservancy District
 - State Assessed Oil and Gas
 - Mining Claim

Notes



DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.

BARLOW LEVI L TR, ET AL
AV-1-3-23-441
PO BOX 13
LA VERKIN, UT 84745-0013

BARLOW MILLWARD J JR, ET AL
AV-MILL-2-A
2132 S 1700 E
HURRICANE, UT 84737-4860

BARLOW MILLWARD J JR
AV-MILL-4
2132 S 1700 E
HURRICANE, UT 84737-4860

ALKEMA AMY M
AV-1376-B-6
2142 S 1560 E
APPLE VALLEY, UT 84737

ASHMORE DIANNE TR, ET AL
AV-1377-B-1
2125 S STATE ST
APPLE VALLEY, UT 84737

BARLOW MILLWARD J JR, ET AL
AV-MILL-2-A
2132 S 1700 E
HURRICANE, UT 84737-4860

BARLOW MILLWARD J JR
AV-MILL-5
2132 S 1700 E
HURRICANE, UT 84737-4860

JESSOP GEORGE
AV-1376-B-2-A-1
1599 E STATE ST
HURRICANE, UT 84737-4804

MORRELL UTAH HOLDINGS LLC
AV-1377-F-1
2366 COTTONWOOD LN
SALT LAKE CITY, UT 84117

JESSOP CALVIN M TR
AV-1365-H-5
1552 S WAGONMASTER RD
WASHINGTON, UT 84780

BLACK AMY TR
AV-1376-B-1
HC 65 BOX 506 1725 S HWY 389
FREDONIA, AZ 86022-9614

GREEN KIM E, ET AL
AV-1365-H-1-1
PO BOX 870047
WOODS CROSS, UT 84087

BROADBENT THOMAS A
AV-1-3-23-442
PO BOX 554
COLORADO CITY, AZ 86021-0554

JESSOP MATT & PAM
AV-1376-B-5-A-1
1854 S 1800 E
HURRICANE, UT 84737

KAPCSOS MASON
AV-1365-H-4
782 S RIVER RD # 172
SAINT GEORGE, UT 84790

ALLRED AARON R & GLORIA H
AV-MILL-3
2112 S 1700 E
APPLE VALLEY, UT 84737

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH

COUNTY OF WASHINGTON

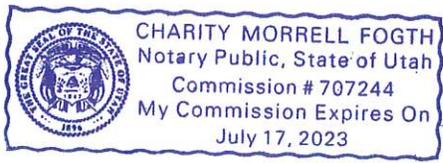
)
)S
(Morrell Utah Holdings LLC)

I (We) Adam Morrell/Phil Morrell being duly sworn, deposed and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

[Signature]
Property Owner

[Signature]
Property Owner

Subscribed and sworn to me this 18 day of August, 2019.



[Signature]
Notary Public

Residing in: UTAH

My Commission Expires: July 17, 2023

SECTION 1: AMENDMENT “10.10.110 Cabins Or Tiny Home Parks Zone” of the Apple Valley Land Use is hereby *amended* as follows:

AMENDMENT

10.10.110 Cabins Or Tiny Home Parks Zone

- A. Purpose: The purpose of this zone is to provide for the development of Cabin or Tiny Home Parks (CTP). Cabin or Tiny Home Parks are not intended for the isolated lot, but shall be for use in areas where larger tracts of land are available for development, and can be developed to a high standard of quality with landscaping, recreation facilities, etc.

Cabins or Tiny Homes Parks, are designed and intended from the beginning to serve the transient or traveling public with small cabins or Tiny Homes, placed or built on a permanent foundation with the structure containing sleeping, bathing and kitchen facilities. The Minimum zone size shall be ten (10) Acres.

The primary location for a Cabin or Tiny Home Park is close to Highway 59 or other major roadway-or may be located more remotely if utilities and proper road access is available or will be available. It should not be located immediately next to a residential ~~neighborhood~~zone.

- B. Permitted Uses: Uses permitted in this zone are as follows:
1. Accessory buildings and uses
 2. Household pets
 3. Cabins or Tiny Homes as defined in AVLU 10.04 or subsection E below
 4. Park, playground, swimming pool and tennis courts or alike
 5. Other uses similar to the above and ~~judged~~ approved by the Planning Commission to be in harmony with the intent and character of this zone.
 6. Clubhouse, sales or registration office, or on-site managers dwelling.
- C. ~~Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:~~
Add to Permitted Uses
1. ~~Clubhouse, sales or registration office, or on-site managers dwelling.~~
 2. ~~Other uses approved by the planning commission as being in harmony with the intent of the zone and similar in nature to the above listed uses.~~
- D. Height Regulations: No cabins/tiny home shall be erected to a height greater than eighteen (18').

No accessory building shall be erected to a height greater than fifteen (15') feet.

No club house/office may be erected to a height greater than twenty five (25') feet.

- E. Cabins or Tiny Home Park Development Standards: Definitions:

A Cab-in is a small stick built or small manufactured home, built or placed on a permanent foundation and is less than 600 Sq Feet ~~under roof~~ of living space.

A Tiny Home is a stick built or small manufactured home, built or placed on a permanent foundation, and is less than 400 Sq. Feet ~~under roof~~ of living space.

Any Cabin or Tiny Home that has wheels or skids and not placed on a ~~permanant~~ permanent foundation shall be considered a Recreational Vehicle and may not be placed or used in this zone. But it shall be placed in a Recreational Vehicle Park zone.

1. Minimum Size: Each Cabin or Tiny Home Park shall have a minimum size of ten (10) acres, ~~unless smaller is allowed by a development agreement (see AVLU 10C-6-J).~~
2. Roads:
 - a. Width: Each Cabin or Tiny Home Park shall have roads of at least twenty four five feet (~~24~~25') in width and single one way driveway may be fourteen (14)+6 feet in width. :

Construction Specifications: All Units shall be served by paved roads constructed to Town standards ~~and bounded by curb and gutter~~ and approved by the Town.

3. Park Access: Access to all Cabin or Tiny Home Parks shall be from a dedicated and approved public street at an approved point or points. No units shall have direct access from a public street nor may traffic enter or exit through a residential neighborhood.
4. Off Street Parking: Hard surface (Concrete or paved) parking spaces shall be provided for the minimum parking of two (2) vehicles for each unit.
5. Recreation Space: Recreation space shall be provided for each Cabin or Tiny Home Park having ten (10) or more units and shall be maintained for such use. A minimum usable area of five thousand (5,000) square feet shall be set aside and developed for each such park and an additional one hundred (100) square feet shall be provided for each unit above ten (10) units. This is in addition to the outdoor living space mentioned in AVLU 10C-6-G. This recreation space is not the open space behind or between units or streets. It is a separate facility common to all units in the development, such as a clubhouse.
6. Density: The maximum density for a Cabin or Tiny Home Park shall not exceed ten (10) units per gross acre.
7. ~~Unit size: Each unit shall be less than 400 sq ft under roof.~~
8. Distance of Units: No unit shall be closer than twenty feet (20'). No unit in a Cabin or Tiny Home Park shall be located closer than the distance required herein.
9. Minimum Yard Clearances for each unit:
 - a. Front or side yard on a public street, ~~twenty five~~ fifty feet (~~25~~50').

- b. Side yard bordering adjacent property, ~~ten fifty~~ feet (~~1050~~').
- c. Rear yard bordering adjacent property, ~~ten fifty~~ feet (~~1050~~').

F. Other Requirements:

1. Perimeter Fence: A Cabin or Tiny Home park shall ~~be fenced at the~~ provide a minimum fifty-foot (50') setback/landscaped buffer along any property boundary including a public street right-of-way. Decorative fencing is preferred, such as split rail or ranch style wood fencing, though six foot high privacy fencing or block wall may be more appropriate and required in some applications. The projects topography shall always be considered in perimeter fencing requirements. For example, a property with a cliff at it's rear or sides, may not require any fencing for that area. A project with a wash along it's rear or side property line may need a solid fence installed to provide greater safety to guests. A lower profile fence may also be used to provide better views as long as this does not pose a safety hazard to guest. All structures or fencing proposed within washes or the 100-year flood plain are discouraged and must be designed to meet current and applicable Town and State standards.

~~perimeter with a six foot (6') high block wall fence.~~

2. Building Code; Permit: Installation of infrastructure and any Cabin or Tiny Home Park structures shall be done in conformance with the requirements of the current edition of the building code and with approval of the building department, and the issuance of a building permit.
3. Utilities Required: Each unit shall be connected to water, sewer and electricity. All utility connections shall be located underground. Water and sewer plans shall be approved by the Big Plains Water and Sewer Special Service District and the Town's Public Works Department.
4. Street Construction: All streets in a Cabin and Tiny Home Park shall be paved according to the construction standards of the Town ~~and shall be bounded by curb and gutter.~~
5. All lighting shall comply with AVLU 10.26 Outdoor Lighting Ordinance.
6. Landscape Plan: A detailed landscape plan shall be submitted for each Cabin or Tiny Home Park, and shall be approved by the Planning Commission.
7. Outdoor Living Space: Each Cabin or Tiny Home Park unit shall be provided with a minimum of three hundred (300) square feet of "outdoor living" space located adjacent to each unit. Said outdoor living space shall be maintained in a clean and weed free manner and shall be kept free from garbage or debris of any kind.
8. No tents of any kind may be used in this zone.
9. All Cabin or Tiny Home Parks shall require a full time (24/7) on-site manager, who shall be responsible for ensuring compliance with the rules and regulations of the Town and safety of the property.
10. ~~A~~

G. Subdivision Requirements: If the Cabin or Tiny Home Park is not intended to be in a single ownership, rather is intended to be sold as individual lots, the subdivision shall then be subject to all applicable requirements of the Town's subdivision ordinance.

AMENDMENT

10.14.020 Rules And Regulations

- A. Business License Required: No dwelling in a residential zone shall be occupied or used as a short term vacation rental, ~~or advertised for use as a short term vacation rental~~, until such time that the owner has obtained a short term vacation rental business license issued in accordance with the provisions of this Section.
- B. Conditions for Issuance of a Business License for a Short Term Vacation Rental: In addition to any other requirement of this Section, a short term vacation rental business license shall be approved by the Town Clerk if:
 - 1. The dwelling unit is located in a single family dwelling that has been issued a certificate of occupancy, or a building permit has been issued for the construction of a single family dwelling unit. If a certificate of occupancy has not yet been issued, the business must be operational within six (6) months of the issuance of the business license. If the business is not operating within this time period, the business license may be revoked to enable another business to license a Short Term Vacation Rental in the area. For purposes of this section, “operational” is defined as accepting reservations and being available at least two weeks per month, including the next full month. Portions of a single family dwelling may not be used as a short term vacation rental unless licensed as a bed and breakfast or residential hosting facility in accordance with the regulations for that use. A short term vacation rental and a bed and breakfast or residential hosting facility may not be located in the same single family dwelling.
 - 2. The owner of a single family dwelling for which a short term vacation business license is sought does not hold a business license to operate another short term vacation rental within the Town of Apple Valley limits. For purposes of this paragraph, “owner” means any individual, corporation, partnership, limited

liability company, trust or other entity which has a legal or equitable ownership interest in the single family dwelling, or any individual who has an ownership interest in any corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single family dwelling,

3. The property line of another dwelling licensed as a short term vacation rental is not located within 300' (three hundred feet), as measured along the same street or around the corner, of the front property line corners of the property where the proposed short term vacation rental license is being sought. No more than 10% of the homes in any subdivision phase or designated area to be defined by the Town, may be licensed as a short term vacation rental.
4. The application lists the name, address and phone number of the owner or other person designated by the owner as the property manager who shall be responsible for ensuring compliance with the rules and regulations specified in this section. This person shall be a permanent resident of the Town and be ready and willing to receive phone calls at any hour to promptly deal with complaints, violations, or any other safety or nuisance issues.
5. The contact information of the responsible individual will be given to all property owners/residents within a 300 ft. radius of the short term vacation rental property in question, so they will be able to make direct contact with the responsible individual in the case of a complaint, violation, or any other safety or nuisance issue.
6. The application includes a valid Utah State Tax number for remittance of transient lodging taxes.

C. Parking Regulations: The owner of any property licensed as a short term vacation rental shall provide off street parking for guests in accordance with the following:

1. Off street parking shall be provided on the same lot as the dwelling which is licensed as a short term vacation rental.
2. Parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.
3. All guest parking shall be contained on the site.
4. No off street parking space may be located in front of the living area of the dwelling unless there is a circular driveway.
5. The number of vehicles allowed by the occupants of a vacation rental home shall be restricted to the number of off street parking spaces provided by the owner.

D. Maintenance Standards: Any property that contains a dwelling which is licensed as a short term vacation rental shall conform to the following standards:

1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood;
2. The use of a dwelling as a short term rental shall not in any way change the appearance of the dwelling or property for residential purposes; and
3. Each sleeping room must meet current International Residential Code for egress

and be equipped with smoke and CO2 detectors. A fire exiting route plan and maximum occupancy number must be posted in each sleeping room.

- E. Prevention of Noise, Nuisance or Trespass: The owner of any dwelling licensed as a short term vacation rental shall be responsible to ensure that guests or occupants of the short term rental do not:
1. Create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding residential neighborhood.
 2. Disturb the peace of surrounding residential property residents by engaging in shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets, engaging in outside recreational activities after 10 p.m., or other similar activities.
 3. Interfere with the privacy of surrounding residents or trespass onto surrounding residential properties.
 4. Allow pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the owner or custodian of the pet or animal.
 5. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.
- F. Required Posting: The following information must be posted in a clear, concise, and unambiguous manner and in a conspicuous location inside any dwelling licensed as a short term vacation rental:
1. a copy of the vacation rental business license
 2. the name, address, and phone number of the owner or property manager
 3. the location of all fire extinguishers
 4. a list of all rules applicable for vacation rentals
 5. the maximum occupancy of the vacation rental and the maximum number of vehicles allowed.
- G. Miscellaneous Rules and Regulations: The following rules and regulations shall apply to any dwelling for which a short term vacation rental business license has been issued:
1. Outdoor pools, hot tubs or spas shall not be used between the hours of eleven o'clock (11:00) p.m. and six o'clock (6:00) a.m.
 2. Maximum occupancy in any dwelling licensed as a short term vacation rental shall be ten (10) persons at any one time. If, however, the property has a fire sprinkler system or other fire suppression system acceptable to the Apple Valley Fire Department, a greater occupancy may be approved. Maximum occupancy of the dwelling must be included in the regulations sign.
 3. The owner of any property containing a dwelling licensed as a short term vacation rental shall cause to be displayed in a town approved location on the exterior of the property an approved sign containing the name and 24 hour-per-day, 365 day-per-year telephone number of the owner or other party designated by the owner as property manager who will be responsible for receiving and resolving complaints regarding activities on the property and the conduct of its occupants and guests. The sign shall not exceed 12" X 18" and shall be the only sign other than an address permitted on a short term vacation rental

property. All neighbors surrounding the property in question shall be furnished the same contact information.

4. The owner or property manager shall provide information on current occupants to police, emergency, or town personnel as requested. The owner or other person designated as the property manager shall respond to complaints and concerns within one (1) hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the business license holder and property owner.
5. The requirements of this section shall be in effect throughout the time a short term vacation rental license is in effect on the property, regardless of whether the property is occupied by the owner, non-paying guests of the owner, or paying guests of the owner. The Town of Apple Valley finds that, given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of the requirements contained in this section shall be based on whether the property is licensed as a short term vacation rental.
6. An inspection of a vacation rental property for compliance with these regulations will be performed at the time of business license issuance and renewal each year. There shall be a fee charged for such inspection, to be set by the Town Council. Additional inspections may be performed with 24 hour notice to the license holder/property manager if deemed necessary by the Town.
7. The owner of any dwelling licensed as a short term vacation rental shall be required to collect and remit on a timely basis transient lodging taxes and all other applicable sales and use taxes to the Utah State Tax Commission.

H. Enforcement Provisions:

1. Any owner of any dwelling in a residential zone within the Town of Apple Valley who allows or permits occupation of said dwelling as a short term vacation rental, as defined herein, without having first obtained a business license in accordance with the provisions of this section shall be guilty of a Class B misdemeanor, which shall be punishable by a fine of up to \$1,000, imprisonment for up to 6 months, or any combination thereof for each such violation.
2. Any owner of any dwelling in a residential zone within the Town of Apple Valley, who, having first obtained a business license for use or occupation of said dwelling as a short term vacation rental, thereafter operates or permits operation of said short term vacation rental in violation of the terms and provisions of this section shall be guilty of an Infraction, and shall be punished by a fine of not less than \$750 for each such violation.
3. Any person who occupies a short term rental as a guest and who violates any local ordinance or state law shall be subject to arrest, issuance of a citation, or other criminal process in accordance with all state, federal or local statutes, rules or ordinances.
4. Violation of any provision of this section regulating short term vacation rentals shall constitute a separate offense for each day said violation occurs or continues.
5. In the event of three (3) or more violations of this ordinance committed by an

owner or guest, or any combination of the two, within any 12 month period, the town council may proceed with revocation of the business license for any short term vacation rental property in accordance with the provisions of the general business license ordinance.



Town of Apple Valley
 1777 N Meadowlark Dr
 Apple Valley UT 84737
 T: 435.877.1190 | F: 435.877.1192
 www.applevalleyut.gov

Fee: \$500.00 + Acreage Fee
1 – 100 Acres: \$50.00/Acre
101 – 500 Acres: \$25.00/Acre
501 + Acres: \$10/Acre

Zone Change Application

Applications Must Be Submitted A Minimum of 21 Days In Advance of The Planning Commission Meeting

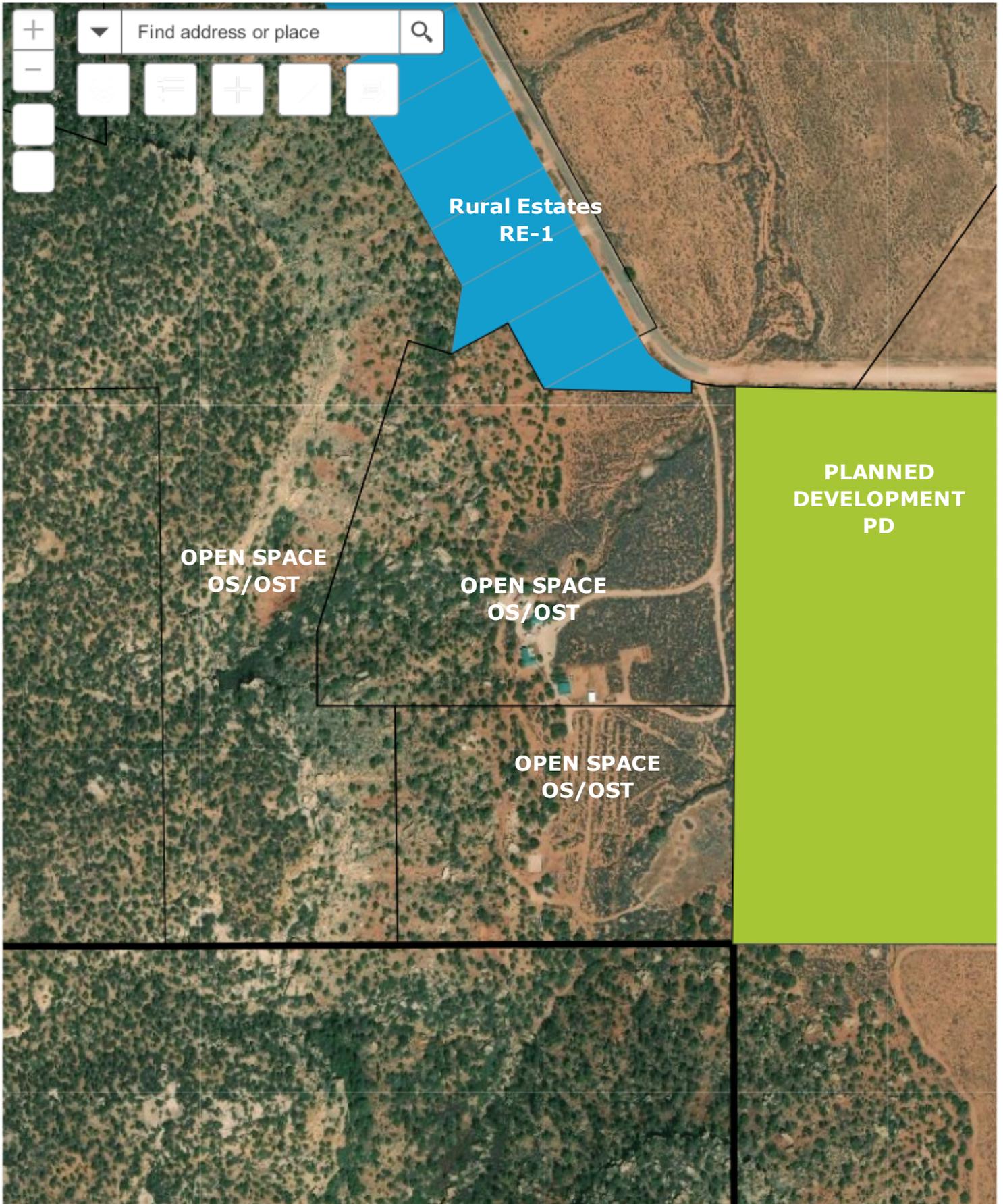
Name: Robert & Maria Campbell		Phone: 435-922-6901	
Address: 1297 N. Apple Valley Drive		Email: maria08311976@gmail.com	
City: Apple Valley	State: UT	Zip: 84737	
Agent: (If Applicable) Maria Campbell		Phone: 435922-6901	
Address/Location of Property: Same above		Parcel ID: AV-1338-H-3	
Existing Zone: Residential		Proposed Zone: 10.10.110 Cabins or Tiny Home Parks Zone	
Reason for the request We'd like to rent the existing cabins that are in property.			

Submittal Requirements: The zone change application shall provide the following:

- A. The name and address of every person or company the applicant represents
- B. An accurate property map showing the existing and proposed zoning classifications
- C. All abutting properties showing present zoning classifications
- D. An accurate legal description of the property to be rezoned
- E. Stamped envelopes with the names and address's of all property owners within 500' of the boundaries of the property proposed for rezoning. Including owners along the arterial roads that may be impacted
- F. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence the applicant has control of the property

Note: To avoid delays in processing your Zone Change request, it is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for the Planning Commission. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 pm. **Submission of a completed application does not guarantee your application will be placed on the next PC meeting agenda. It may be placed on the next available PC meeting agenda.**

Official Use Only	
Date Received: 5/11/20	By: Ben Bell
Date Application Deemed Complete: 5/14/20	By: Ben Bell



300ft

-113.140 37.101 Degrees

APPLE VALLEY TOWN

ORDINANCE

AN ORDINANCE OF THE APPLE VALLEY TOWN COUNCIL, WASHINGTON COUNTY, UTAH, ADOPTING CHAPTER 10.10.130 OF THE APPLE VALLEY LAND USE ORDINANCES CREATING A CAMPING RESORT ZONING DISTRICT (“CRZ”) WITHIN THE TOWN AND FURTHER DESIGNATING AND REGULATING USES THEREIN.

RECITALS

WHEREAS, Apple Valley Town (“Town”) is a municipal corporation duly organized and existing under the laws of the State of Utah, particularly Title 10 of the Utah Code.

WHEREAS, Apple Valley Town Council (“Town Council”) is both the Town’s governing body and Land Use Authority pursuant to Utah Code § 10-9a-101 *et seq.*

WHEREAS, the Town presently does not have a zone wherein RV Camping, Cabin camping and Tent Camping is allowed as either a permitted or conditional use.

WHEREAS, because the Town is located within the corridor leading up to main entrance of Gooseberry mountain bike area and Zion’s National Park which receives thousands of visitors each year, the Town Council has determined that there is a need and a benefit to allowing this type of lodging within the Town on a highly regulated basis.

WHEREAS, the Town Council has further determined that the creation of a specialized zoning district which specifically allows such uses, yet regulates their location, scope and effect on residences and businesses is the best way to authorize such uses on a limited and regulated basis.

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Apple Valley, Washington County, State of Utah, as follows:

1. Addition of Chapter 10.10.130, Camping Resort Zone (CRZ);

CHAPTER 10.10.130 CAMPING RESORT ZONE (CRZ)

A. PURPOSE.

The purpose of the Camping Resort Zone is to:

1. allow for and regulate the development of tourist-based outdoor camping and recreation uses in appropriate locations while preserving and enhancing the unique visual quality and rural character of the town of Apple Valley and
2. locate camping and recreation uses where such uses will not negatively impact
3. allow for the development of buildings while requiring designs that are compatible with the surrounding landscape; and

4. protect scenic views and minimize visual impacts in the entrance corridor to the town, which provides the first impression of the town and Zion Canyon for many visitors; and
5. encourage the preservation of significant natural and historically agricultural landscape and open space, and minimize site disturbance; and
6. protect the values, beauty and heritage of the area in physical appearance, quality of design and interrelationship of land use and development and thus serve as a valuable asset and benefit for the entire community; and
7. enhance general property values within the Town of Apple Valley; and
8. promote the economic well-being of the Town through the generation of room and resort taxes; and
9. mitigate, to the greatest extent possible, a campground's adverse visual, light, and noise impacts to protect the characteristics and values of adjoining properties, especially established residential neighborhoods.

B. GENERAL.

The Town of Apple Valley is located in a corridor near Gooseberry Mountain bike trails and Zion Park which receives millions of visitors each year, and it is in the best interest of the Town of Apple Valley to have a zoning classification to carefully locate and accommodate camping and recreation uses.

1. DEVELOPMENT CHARACTERISTICS.

The Camping Resort Zone shall be characterized by clean, low-lit roads and recreational amenities, village scale development and buildings that reflect the rural character of Apple Valley. This zone is intended to provide for rustic lodging with support facilities and services, small-scale commercial activities, outdoor recreation, and access to community trail systems. Development and its associated activities will be sustainable in nature, utilizing best practice methods of waste disposal, and longevity in quality and built form. Development controls and design guidelines, in conjunction with provisions of the General Plan and other ordinances will ensure that the zone provides for the social, economic and cultural well-being of the wider community, while assisting in ecological enhancement and the seamless integration of the built and natural environment.

C. LOCATION AND SIZE.

The location of the Camping Resort Zone shall be strictly limited by area and size within the Town of Apple Valley to balance this use with other desirable land uses and to minimize conflicts. The designation shall only be granted to parcels, or portions of parcels, which meet the following characteristics:

1. The location is sufficiently separated from established residential zones to minimize adverse visual, light, and noise impacts. The Land Use Authority shall

fully consider and give additional weight to comments from adjoining landowners when considering a proposal to a rezone land to the CRZ zone; and

2. Vegetation and topography serve to buffer a project from impacting important scenic view sheds; and
3. The location shall give a project access directly to SR59 or to an existing or created major arterial street intended for commercial traffic such as Main Street.
4. Totals no less than 15 acres.
5. **Must be an individual parcel. If multiple parcels are being used, they must be combined into one parcel.** ~~shall be under one (1) ownership,~~
6. The location is in harmony with the General Plan.

D. PERMITTED USES.

1. RV Resort
2. Cabin Rentals
3. Club House
4. Glamping Facilities as in teepees, permanent tents or yurts
5. Parks and Playgrounds (Incident use to CRZ purposes)
6. Retail Sales (Incident use to CRZ purposes)
7. Recreation Facilities (Incident use to CRZ purposes)
8. Guest Service Tours and Rentals
9. Restaurants
10. Tent Camping
11. Limited Commercial Habitation (per Chapter 8, Sections 8.11 and 8.12)

E. CAMPGROUNDS AS LODGING FACILITIES

All Campgrounds are considered lodging facilities for tourists and are subject to the Transient Room Tax as well as all of the constraints found in 8.13.3 et. Seq.

F. APPLICATION PROCESS

1. An application shall be made to the Apple Valley Town Planning and Zoning Commission.

2. Campgrounds shall be designed by a licensed architect, landscape architect, engineer, or professional land use planner. All structures shall be permanent structures meeting International Building Code and Apple Valley Town code requirements. All drawings for buildings, structures, grading, utility, drainage, irrigation, etc. plans shall include engineering stamp and signed.
3. The Development Plan submitted shall be drawn to scale not smaller than one inch (1") equal to fifty feet (50'). At least three (3) hard copies and one digital copy of the plans shall be submitted. The plans shall show:
 - A. The existing and proposed topography of the site, when required by the Planning and Zoning Commission, represented by contours shown at not greater than two-foot (2') intervals.
 - B. The proposed vehicle circulation layout and recreational vehicle, travel trailer, campground, and/or cabin park space pad layout, including points of ingress and egress as required and approved by UDOT (when connecting to a UDOT road).
 - C. Proposed locations for all uses included but not limited to: playgrounds, restaurants, cabins, clubhouse, check-in-building, retail sales, service station, and common recreational areas.
 - D. Tabulations showing the percent of area to be devoted to parks, playgrounds and communal recreational areas, the number of recreational vehicles, travel trailers, campsites, and/or cabin park spaces, and the total area to be developed.
 - E. Proposed location, number, and design of parking spaces for each proposed use (see 31.9.2 Circulation and Parking).
 - F. Generalized landscaping and utility plan, including location of water, sewer, electricity, gas lines, and fire hydrants as per The International Fire Code.
 - G. The Big Pains Water and Sewer Special Service District (BPWSSSD) approval of the engineering study pursuant to Section 13 of Apple Valley Town's Water Service Agreement with the WCWCD.
 - H. Proof that the land to be developed is under one (1) legal ownership.
 - I. Any other reasonable data (according to Apple Valley Town's attorney) that becomes necessary during the process of application review by the Zoning Administrator and the Planning Commission.
4. The applicant for a Campground shall pay to the Town of Apple Valley at the time of application an inspection and review fee, as required by the Town Fee Schedule. All other fees are due prior to beginning construction.
5. Applications shall be in writing, reviewed by Apple Valley Town's attorney, if so required, (any associated attorney fees shall be paid by the applicant), and then

submitted to the Zoning Administrator. The Planning Commission and Apple Valley Town Council shall review the application at its regularly scheduled meetings. Once a complete application has been received by the Zoning Administrator and recommendation is made by the Planning Commission, the Town Council will review the completed application for approval, approval with conditions or denial within ~~three (3) months~~ (45) forty-five days unless holidays or unexpected circumstances intervene.

6. Applications will not be considered complete and ready for approval review until all application information is submitted.
7. For multiple phase projects, the applicant must have at least the first phase of the project completed and ready for occupancy before beginning subsequent phases. The phasing must also be defined in project submittal's at the time of the projects approval.

G. GENERAL PROVISIONS FOR CAMPGROUNDS

1. The owner(s) of any Campground in Apple Valley Town that is built and/or regulated by these provisions shall provide a copy of the standards set forth in this Section (31.8) to all occupants who are tenants.
2. Campground spaces shall not be occupied or otherwise used by any individual(s) for more than 180 days in a one (1) year period beginning at the initial date of occupancy. Nor shall cumulative occupancy by such person(s) of different spaces within the same Campground exceed a total of 180 days in one (1) year period.
3. ~~The occupants of an RV site may have only one (1) other vehicle in addition to the self-propelled recreational vehicle or travel trailer and necessary tow vehicle.~~
4. A campground manager **or staff** must be on **the premises** ~~duty within the park~~ at all times. All Campground managers shall maintain a patron log consisting of names, dates of occupancy and number of spaces. **Patron logs shall be made available to code enforcement officers at their request. (Legal might have to review this item.)**
5. Animals traveling with campers shall not be allowed to run loose. Pets shall be kept inside an RV, travel trailer, tent or cabin, tethered or otherwise confined within their site, or on a leash at all times.
6. "Quiet time" shall be observed nightly between the hours of 10:00 P.M. and 7:00 AM.

H. CAMPGROUND STANDARDS

1. **GENERAL SITE DESIGN STANDARDS.**
 - A. Campgrounds shall not consist of more than an average of ten (10) units (RV sites, tent sites or cabins) per acre. The total number of

spaces shall not exceed the number permitted by a development yield analysis subject to 8.13.3D. Units may be clustered.

- B. Utah Administrative Code R392---301 'Recreational Vehicle Park Sanitation' applies to all Campgrounds.
- C. Campgrounds shall provide a communal solid---waste receptacle area(s). Container(s) shall be fitted with a tight-fitting lid(s). Container(s) shall be located in an area screened from public view by an enclosure with a solid wall structure with a closable gate. The enclosure shall be designed to prevent littering. Enclosures of chain-link fencing are prohibited.
- D. Campgrounds shall be responsible for the regular and proper collection and disposal of all refuse, garbage, and litter accumulated within the Campground. Collection shall be no less than once a week.
- E. To meet the purposes of this Chapter, in particular the purposes of Section 31.1.9, all exterior boundaries shall be sufficiently screened from surrounding uses by privacy walls, fences, or landscaped buffers, or a combination thereof. Because each location presents unique opportunities and challenges, required screening details shall be determined on a project by project basis and incorporated into the project approval. Integration with the community and adjoining landscape is preferred over the construction of a fully enclosed compound. Privacy walls and fences shall not exceed six feet (6') tall. The use of shorter walls, landscaping, decorative barriers, or three-rail type fence are encouraged in appropriate locations to maintain the town's rural character and scenic views.
- F. Setbacks. A minimum fifty-foot (50') setback/landscaped buffer along any property boundary that is adjacent to a public street right-of-way shall be required. To meet the purposes of this Chapter, in particular the purposes of Section 31.1.9, an adequate setback/landscaped buffer along property boundaries which border on residential zones shall be required. Because each location presents unique opportunities and challenges, required setbacks shall be determined on a project by project basis and incorporated into the Conditional Use Permit. Typically, setbacks from residential zones would not be less than fifty-feet (50'), ~~the minimum setback in any other circumstance is thirty feet (30')~~. The Public trails may be located within required setbacks/buffers. All structures proposed within the 100-year flood plain must be designed to meet current and applicable Town and State standards.

2. CIRCULATION AND PARKING.

- A. Campgrounds shall provide streets in such a pattern as to provide convenient and safe traffic circulation and emergency access within the Campground. Streets shall be built to the following standards:

A.i. Two-way streets shall be a minimum of twenty four feet (24') wide. One-way streets shall be a minimum of eighteen feet (18') wide.

A.ii. All roads shall be paved. Roads shall be constructed to Town standards and shall be provided with concrete curb and gutter. Curb and gutter may be a roll curb or two foot (2') modified type to provide convenient access to trailer sites.

A.iii. Traditional street lighting is prohibited to protect night sky requirements and minimize impacts to neighboring uses. Low lighting less than ~~1,500~~ 800 lumens, fully shielded and not more than three feet (3') in height is recommended and should be kept to a minimum. (See AVLU 10.18.080 for definitions and guidelines).

A.iv. All Campgrounds shall have direct access to SR 59 or an arterial street such as Main Street for all ingress, egress, and emergency services. Campgrounds shall not be accessed from residential streets. If no secondary access is possible (as may be required by Fire Code), a blocked emergency exit may be permitted to connect to a residential street only if such access is permanently restricted in a legally binding agreement recorded against the property.

A.v. Campgrounds shall have separate ingress and egress as required by The International Fire Code, Chapter 503 and the National Fire Protection Association 1194.

B. On street parking is prohibited.

C. A parking space with unencumbered dimensions of not less than ten feet (10') in width and twenty feet (20') in length for automobiles shall be provided for each site. Individual RV sites shall incorporate required parking into the site; tent sites and cabin sites may either provide required parking within a site, or provide required parking in a separate detached lot to provide a more rustic experience for guests.

D. Each site shall provide sufficient parking and maneuvering space so that the parking, loading, or maneuvering of trailers incidental to parking shall not necessitate the use of any public street, sidewalk, right-of-way, or any private grounds not part of the Campground area.

E. Campground shall provide guest parking at a minimum ratio of one (1) parking space per five (5) sites and one (1) parking space per employee on duty (Ch. 8.13.3B Parking) in addition to the individual

on-site spaces required above. Additional parking spaces shall not be provided on interior roads. During a CUP review if the Town determines additional parking is required because of project specific amenity use, it may do so.

3. UTILITIES.

- A.** Campgrounds shall be connected to Town of Apple Valley municipal facilities and a local power company. All utility distribution facilities, including television antenna service lines, shall be installed underground. The owner shall make arrangements with each of the utility providers for installation of said facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other necessary appurtenances to underground facilities may be placed above ground.
- B.** Campgrounds shall provide adequate water supply hookups to each unit/site, with the exception of tent and cabin sites. Water will be made available for all tent and cabin sites within a reasonable walking distance. All water supply lines shall be installed with an approved backflow prevention device per code.
- C.** Campgrounds shall provide waste-water system hook-ups to all individual units/sites, with the exception of tent and cabin sites.
- D.** All RV units/sites shall provide waste-water disposal provisions including a sanitary dumping station for Campground users. If it is not possible to connect to a public waste-water system, the Campground is required to provide a treatment system subject to the Department of Environmental Quality (DEQ) / Southern Utah Public Health Department rules, regulations and approvals and Big Plains Special Service District.
- E.** In compliance with subsection 13 – Groundwater Protection of Apple Valley Town’s Water Service Agreement with the Big Pains Water and Sewer Special Service District (BPWSSSD), Apple Valley’s Land Use Authority (LUA) shall not approve Campgrounds which will contribute to septic sanitation greater than the equivalent of one dwelling per acre overall.
- F.** Campgrounds shall ensure waste---water treatment systems are functioning at acceptable levels and shall follow the rules, regulations, and requirements for maintenance of the wastewater treatment system according to the Department of Environmental Quality (DEQ) including submitting any required sampling of effluent to the DEQ or to the Southwest Public Health Department for analysis.

- G. Campgrounds shall provide electrical outlets of appropriate voltage to all individual units/sites. Install electrical service underground in compliance with applicable codes utilizing approved connectors.

4. **LANDSCAPING AND RECREATION AMENITIES.**

- A. The following minimum landscape requirements shall apply to Campgrounds:
 - A.i. All open areas except driveways, parking areas, walking ways, utility areas, or patios shall be maintained with landscaping in accordance with a detailed landscaping plan to be approved in conjunction with issuance of a Use Permit.
 - A.ii. A minimum of one (1) tree shall be planted and maintained for each unit/site.
 - A.iii. Properties fronting on public roads shall have a minimum 50 foot (50') landscaped and irrigated buffer between the road right-of-way and development. A continuous public trail (consistent with the design approved by the Planning commission shall be provided within this buffer. A minimum ten foot (10') landscaped park strip is required between the road right-of-way and the trail for safety of trail users. A minimum of three trees are required every 30 linear feet along the frontage within the 50' buffer area. Trees may be clustered.
 - A.iv. Use of invasive plant and tree species is prohibited.
 - A.v. Required trees shall be a minimum two-inch (2") caliber.
 - A.vi. All landscaped areas shall be maintained free of weeds and debris.
 - A.vii. An applicant may propose a landscaping plan utilizing water-efficient elements and plant species. The Planning and Zoning Commission may approve such a plan if the proposed landscaping and topography effectively buffer the Campground visually, aesthetically, and audibly from adjoining properties and public roads.
- B. To meet the purposes of this Chapter, in particular the purposes of Section 31.1.6, the following recreation amenity requirements shall apply to Campgrounds: Campgrounds shall provide adequate and convenient common recreational/open space(s) to give guests safe areas for children and adults to recreate, relax, and play. Campground streets are not considered a safe place for recreation. Because each location presents unique opportunities and challenges,

required ratios of amenity areas to lodging (RV, Cabin, and Tent) sites shall be determined on a project by project basis and incorporated into the Use Permit. Typically, campgrounds shall provide a minimum of four-hundred (400) square feet per recreational vehicle site and cabin site as common recreational/open space. (Tent sites are not included in this calculation, to encourage a project to increase the number of tent sites provided.) This can be achieved through a combination of multiple recreational spaces. Public or private streets, storage areas, service buildings, other paved areas, and exterior boundary landscaping shall not be included in calculating the communal recreational space requirement. Recreational structures may be included in the calculation.

5. INDIVIDUAL SITE DESIGN STANDARDS.

- A.** Each unit/site shall be plainly marked and numbered for identification and shall meet all requirements of this Chapter.
- B.** Each site shall have an area of not less than one thousand (1,000) square feet
- C.** RVs or trailers shall be separated from each other and from other structures by at least twenty-feet (20'). Any accessory such as attached awnings or steps, for the purposes of this separation requirement, shall be considered part of the RV or trailer. The ability to accommodate a variety of RV's is strongly encouraged.
- D.** RV site pads and accessory amenities (e.g. picnic tables, shade structures, barbecue pits, etc.) shall not cover more than sixty---six percent (66%) of a site. The remainder of the site shall be landscaped.
- E.** No more than one (1) RV or trailer shall be placed on an individual site.
- F.** Walls and fences on individual sites shall not exceed two-feet (2') in height.
- G.** **Storage.** There shall be no open storage of personal belongings within a site, nor shall there be an accessory building, shed, or cabinet placed upon or erected upon any site.
- H.** **Fuel Tanks.** All fuel tanks maintained within an RV site shall be securely mounted upon or attached to the RV or trailer which they serve. No accessory, freestanding fuel tanks shall be permitted in individual sites, except that one (1) such tank no larger than fifty (50) gallons may be approved by the Zoning Administrator during the period from November 1 to February 31 in locations specifically approved.

- I. **Removal of Wheels.** Removal of axles, wheels, or tires from a travel trailer or recreational vehicle located within the Campground, except for emergency and/or temporary removal for repairs is prohibited.
- J. **Mail Boxes.** Separate mail boxes, street address designations, or other similar accessories which could give the appearance of permanence to occupants of a travel trailer site are prohibited.

6. ACCESSORY FACILITIES.

- A. **Office.** Campgrounds shall include a permanent building for office use. The building may include at least one---family dwelling for the use of the owner or an employee, and that individual's immediate family.
- B. **Laundry Room.** Campgrounds shall have one (1) or more laundry rooms. Laundry drying lines are prohibited. Campgrounds shall include a minimum of one (1) washer and one (1) dryer. Additional units of one (1) washer and one (1) dryer per 16 units are required.
- C. **Restroom and Shower Facilities. Communal restrooms, including toilets,** showers, and lavatories, shall be provided to conveniently and adequately serve all units/sites. Minimum facility to equal: one (1) shower per Ten (10) sites, one (1) lavatory per six (6) sites and one (1) toilet per eight (8) sites.

7. NON-TRADITIONAL CAMPGROUNDS.

Non-traditional campgrounds that utilize creative designs for cabins and sleeping quarters, and incorporate other desirable facilities for meetings, weddings, or the like are gaining in popularity. Commonly referred to as "Glamping," these facilities provide "glamorous camping" experiences as an alternative to more traditional lodging. In order to accommodate projects of this nature that are consistent with the purposes of this Chapter, the Apple Valley Town Council may enter into a development agreement, following Planning commission review, findings, and recommendation of a Use Permit Application, which governs unforeseen design considerations that are not addressed or otherwise permitted herein.

8. PROHIBITED USES.

All uses not listed as permitted shall be deemed prohibited. Recreational facilities developed in conjunction with a campground shall be of the size and scale that are clearly amenities for the guests of the business, are secondary, and are not designed to attract customers who are lodged elsewhere. Proposed amenities will be reviewed during the CUP application process; recreational or entertainment facilities that are not allowed elsewhere within the Town of Apple Valley, including zip lines, full-scale golf courses, water slides, and similar facilities are prohibited in the Camping Resort Zone.

9. FLOODPLAIN PROTECTION.

Campgrounds proposed to be located wholly or in part within a 100-year floodplain shall comply with all provisions of AVLU Chapter 10.38 to protect Town residents and visitors from hazards that might be detrimental to their health, safety, and general welfare, and to protect properties located both up and downstream from increased risk of flooding.

10. Repealer: This Ordinance supersedes or repeals the provisions of any ordinance, resolution that are inconsistent with the provisions of this Ordinance.

11. Savings Clause: If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

12. Effective Date: This Ordinance shall become effective immediately upon adoption by the Apple Valley Town Council.

ADOPTED AND ORDAINED BY THE APPLE VALLEY TOWN COUNCIL this ____ day of ____, 20__ based upon the following vote:

Council Member:

Denny Bass	AYE__	NAY__
Paul Edwardson	AYE__	NAY__
Debbie Kopp	AYE__	NAY__
Mike McLaughlin	AYE__	NAY__
Marty Lisonbee	AYE__	NAY__

ATTEST: